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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD

Report of the Secretary-General on the situation of human rights in Myanmar, submitted pursuant to General Assembly resolution 55/112

1. The present report is submitted pursuant to paragraph 23 of General Assembly resolution 55/112 adopted on 4 December 2000, entitled "Situation of human rights in Myanmar", in which the Assembly requested me to continue my discussions with the Government of Myanmar in order to assist in the implementation of that resolution and to submit additional reports to the General Assembly during its fifty-fifth session on the progress of these discussions as well as to report to the Assembly during its fifty-sixth session and to the Commission on Human Rights at its fifty-seventh session.

2. As indicated in previous reports, I view the role entrusted to me by the General Assembly to be one of good offices, as distinct from the fact-finding mandate assigned by the Commission on Human Rights to the Special Rapporteur on the situation of human rights in Myanmar.

3. The Commission would be aware from my report to the General Assembly (A/55/509) that Mr. Razali Ismail, the former Permanent Representative of Malaysia to the United Nations, was appointed as my Special Envoy for Myanmar in April 2000, replacing Mr. Alvaro de Soto, the former Assistant Secretary-General for Political Affairs. Mr. Razali visited Myanmar from 29 June to 3 July and again from 9 to 12 October 2000. My Special Envoy undertook his third mission to Myanmar from 5 to 9 January 2001. During his first visit, Mr. Razali held consultations with Lieutenant-General Khin Nyunt, Secretary-1 of the State Peace and

Development Council (SPDC), U Win Aung, Minister for Foreign Affairs, and Brigadier-General David Abel, Minister in the Office of the Chairman of the SPDC. He also held consultations with leaders of two political parties, namely, the National League for Democracy (NLD), including its General-Secretary Daw Aung San Suu Kyi, and the Shan Nationalities League for Democracy. During his second visit, Mr. Razali held consultations with Senior General Than Shwe, Prime Minister and Chairman of the SPDC, Lieutenant-General Khin Nyunt, Secretary-1 of the SPDC, U Win Aung, Minister for Foreign Affairs, Major General Ket Sein, Minister of Health, and Colonel Tin Hlaing, Minister of Home Affairs. He held two rounds of discussions with Daw Aung San Suu Kyi at her residence and also had a meeting with a leader of the Pao ethnic group during his trip to Shan State. Mr. Razali held consultations again with Lieutenant-General Khin Nyunt and Foreign Minister Win Aung and had separate meetings with Daw Aung San Suu Kyi during his third mission.

I. GOOD OFFICES EFFORTS

4. My Special Envoy and I have raised, separately, with the Myanmar authorities the concerns of the General Assembly and the Commission on Human Rights, as reflected in their resolutions adopted over the years, such as the restoration of democracy and human rights in Myanmar, a dialogue involving the Government, political parties – particularly the NLD – and ethnic groups, freedom for political parties to conduct normal political activities, the release of political prisoners, the visit of the Special Rapporteur of the Commission on Human Rights, continued access to prisoners by the International Committee of the Red Cross (ICRC) and, last but not least, forced labour practices.

5. My Special Envoy and I particularly underscored the need for initiating a political dialogue between the Government and opposition political leaders that could lead to national reconciliation in Myanmar. During his second mission in October, my Special Envoy therefore focused his efforts on finding a way to initiate the process of a dialogue between the Government and opposition leaders, including Daw Aung San Suu Kyi. The Special Envoy called on Senior General Than Shwe, Lieutenant-General Khin Nyunt and other government leaders to consider taking the initiative in opening a dialogue with opposition leaders. At the same time, he also urged Daw Aung San Suu Kyi to engage in a dialogue with the authorities and to respond in good faith if they took positive steps towards national reconciliation. In my report to the fifty-fifth session of the General Assembly, I reiterated the readiness of the United Nations to assist the process of national reconciliation in Myanmar, in particular with the assistance of countries in the region.

6. I am pleased to note that during his third mission to Myanmar in January, the Special Envoy was able to confirm that the authorities and Daw Aung San Suu Kyi had started their secret discussions in October 2000, shortly after the conclusion of the Special Envoy's second mission to Yangon, and that the two sides indicated their satisfaction with the results of the dialogue achieved thus far in the area of confidence-building.

7. I consider as positive steps the release of NLD Vice-Chairman U Tin Oo and 85 other members of the party's youth wing, shortly after my Special Envoy's third mission in January, and that Professor Paulo Sérgio Pinheiro, the newly appointed Special Rapporteur on the

situation of human rights in Myanmar, has been authorized to visit Myanmar in early April. This event will hopefully contribute significantly to the deliberations in the Commission on Human Rights on the question of the situation of human rights in Myanmar.

8. While it does not fall directly under my good offices mandate, my Special Envoy and I have called, and will continue to call, upon the Myanmar authorities to cooperate with the Director-General of the International Labour Office in Geneva to help resolve the issue of forced labour at an early date.

II. OBSERVATIONS

9. I welcome the latest developments in Myanmar, in particular the on-going dialogue between the authorities and Daw Aung San Suu Kyi, and sincerely hope that the dialogue will soon lead to a more transparent process of discussions involving the Government, political parties and ethnic groups, as called for by the resolutions of the General Assembly, a process that, in my view, is indispensable for achieving national reconciliation in Myanmar. To that end, I reiterate my call on the Myanmar authorities and Daw Aung San Suu Kyi to seize the momentum and work towards the goal of national reconciliation, while appealing to the international community to continue to support the ongoing process of dialogue. I will continue to do my utmost to assist the process, together with the international community and, in particular, countries in the region.